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County of Sacramento

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

KIMBERLY PEREZ, individually and as
successor-in-interest to Maurice Holley, Sr.,
deceased; MAURICE HOLLEY, Jr.,
individually and as a successor-in-interest to
Maurice Holley, Sr.; ANGEL HOLLEY,
individually and as a successor-in-interest to
Maurice Holley, Sr., deceased; MITRA
HOLLEY, individually and as a successor-in-
interest to Maurice Holley, Sr. deceased,

Plaintiffs

v.

COUNTY OF SACRAMENTO, a public
entity; and DOES 1-10, inclusive,

Defendants.

Case No.: 2:21-CV-00356-TLN-JDP

**STIPULATION AND ORDER TO
MODIFY THE SCHEDULING ORDER**

Under Federal Rules of Civil Procedure 16(b)(1)(A) and Local Rule 143, the parties,
through counsel, stipulate to and hereby request a modification of this Court's scheduling order.
Pursuant to the Court's Order to Modify the Scheduling Order (ECF No. 12) the current schedule
is as follows:

- Fact discovery cut off: June 30, 2022
- Expert witness disclosure: July 25, 2022
- Supplemental expert disclosure: August 22, 2022
- Dispositive motion deadline: November 22, 2022

1 The parties in this case request an extension only as to the dispositive motion deadline.
2 The parties have engaged in settlement negotiations and request more time to conduct said
3 negotiations prior to the commencement of briefing on dispositive motions. Defendant County
4 intends to file a motion for summary judgment in the event the parties do not reach a mutually
5 agreeable settlement. Accordingly, the parties request the dispositive motion deadline be extended
6 sixty (60) days from the current deadline, January 22, 2023.

7 A scheduling order may only be modified upon a showing of good cause and by leave of
8 Court. Fed. R. Civ. Proc. 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
9 (9th Cir. 1992). In considering whether a party moving for a schedule modification has good cause,
10 the Court primarily focuses on the diligence of the party seeking the modification. *Johnson*, 975
11 F.2d at 609.

12 The parties have acted diligently in prosecuting this case. Depositions of Plaintiffs have
13 been conducted, as has the deposition of the deputy involved in the shooting at issue. Expert reports
14 have been exchanged and filed and Defendant has deposed Plaintiffs' police practices expert.
15 Written discovery has also been exchanged. The parties only request more time in order to
16 meaningfully engage in settlement negotiations before the costly process of preparing dispositive
17 motions begins. Additionally, this proposed modification will not delay trial, as no trial date has
18 been set.

19 For these reasons, good cause exists to modify the fact discovery cut off deadline.

20 IT IS SO STIPULATED.

21
22 Dated: November 10, 2022

LONGYEAR & LAVRA, LLP

23
24 By: /s/ Nicole M. Cahill
25 VAN LONGYEAR
26 NICOLE M. CAHILL
27 ASHLEY M. CALVILLO
28 Attorneys for Defendant,
County of Sacramento

1 Dated: November 10, 2022

LAW OFFICES OF TED A. GREENE, INC.

2
3 By: /s/ Michael Croddy [as authorized 11-10-22]

4 TED A. GREENE
5 MICHAEL CRODDY
6 Attorneys for Plaintiff,
7 Kimberly Perez

8 Dated: November 10, 2022

THE GORDON LAW FIRM

9 By: /s/ Chris Gordon [as authorized 11-8-22]

10 CHRIS GORDON
11 Attorneys for Plaintiffs,
12 Maurice Holley, Jr., Angel Holley and
13 Mitra Holley
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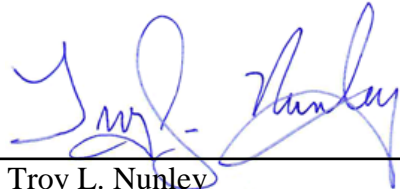
ORDER

Good cause appearing, the parties' stipulated request to modify the Court's Scheduling Order (ECF No. 12) is GRANTED.

The relevant deadline is ordered as follows:

- Dispositive motion filing deadline: **January 26, 2023**

DATED: November 10, 2022



Troy L. Nunley
United States District Judge